

Applicant : Robert M. COOPER, et al.  
Serial No. : 09/365,735  
Filed : August 3, 1999  
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Attorney's Docket No.: 06975-050001 / AOLTV 09

### **REMARKS**

Claims 82-122 are pending in the application, with claims 82, 97, 112, and 118 being independent. Claims 82, 97, and 112 have been amended and claims 113-122 have been added. Reconsideration and allowance of the claims are respectfully requested in light of the following remarks.

#### **35 U.S.C. § 102(e) Alexander Rejection**

Claims 82-96 were rejected under 35 U.S.C. § 102(e) as being anticipated by Alexander (U.S. Patent No. 6,177,931). This rejection is respectfully traversed.

Independent claim 82 is directed to a method of presenting content and recites, among other features, "determining a local day-part appropriate for the geographic location," and "designating a content source from among the two or more content sources based upon the determined local day-part and independent of a profile of the user," and "configuring a content display to feature content from the designated content source over content from other of the content sources based upon the determined local day-part and independent of a profile of the user." Alexander fails to describe or suggest at least these features of claim 82.

Alexander describes an electronic program guide (EPG) that uses user profile information of a viewer ("viewer profile information") in order to customize various aspects of the EPG. Viewer profile information is collected to create a user profile for a viewer ("viewer profile"). Col. 28, lines 10-21. For example, the viewer profile information may be collected from the viewer or may be collected by recording the interactions of the viewer with the EPG. Col. 28, line 12 to col. 29, line 11. The viewer profile information may include: the viewer's zip code; television, cable, and satellite services to which the viewer subscribes; the length of the subscriptions; the type of television; the age of the television; where the television was purchased; the viewer's top favorite channels; the viewer's favorite types of programs; and the times during which the viewer is most likely to watch television. Col. 28, lines 12-19. The viewer profile information then may be analyzed to determine the likelihood that the viewer would be interested in a particular subject, product, theme, movie or episode based upon comparisons with other similar viewer profiles. Col. 29, line 12 to col. 30, line 44.

Based on the viewer profile information, Alexander customizes an EPG. In fact, Alexander discloses customizing the television channels and times slots in a grid guide of an EPG based upon viewer profile information. For example, the order of channel slots presented in the grid guide of the EPG may be customized based upon the viewer profile information so as to present the viewer's favorite channels at the top/beginning of the grid guide in descending order, according to the viewer's profile. Col. 30, lines 53-58. In one embodiment, the order of the channel slots is customized according to the day of the week and time of day, according to the viewer's profile. Col. 30, lines 59-61. For instance, if the viewer profile indicates that the viewer frequently watches Nick at Nite on weekday evenings from 7 pm to 10 pm, then the EPG automatically tunes the television to the appropriate Nick at Nite channel from 7 pm until 10 pm on weekday evenings and formats the grid guide to show the Nick at Nite channel as the first channel in the grid guide. Col. 30, lines 61-67.

However, Alexander does not describe or suggest at least "designating a content source... based upon the determined local day-part and independent of a profile of the user" and "configuring a content display... based upon the determined local day-part and independent of a profile of the user," as recited in claim 82 (emphasis added). For at least these reasons, claim 82, and its dependent claims 83-96, are patentable over Alexander.

### **35 U.S.C. § 103(a) Alexander Rejections**

Claims 97-111 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Alexander. This rejection is respectfully traversed. Independent claim 97 is directed to a computer program and recites, similarly to claim 82 and among other features, "determining a local day-part appropriate for the geographic location," "designating a content source from among the two or more content sources based upon the determined local day-part and independent of a profile of the user," and "configuring a content display to feature content from the designated content source over content from other of the content sources based upon the determined local day-part and independent of a profile of the user." As discussed above with respect to claim 82, Alexander does not teach or suggest at least these features of claim 97. Accordingly claim 97, and its dependent claims 98-111, are patentable over Alexander.

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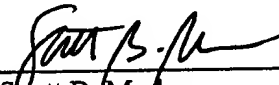
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Claim 112 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Alexander. Claim 112 is directed to a computer program and recites, similarly to claim 82 and among other features, "means for determining a local day-part appropriate for the geographic location," "means for designating a content source from among the two or more content sources based upon the determined local day-part and independent of a profile of the user," and "means for configuring a content display to feature content from the designated content source over content from other of the content sources based upon the determined local day-part and independent of a profile of the user." As discussed above with respect to claim 82, Alexander does not teach or suggest at least these features of claim 82. Accordingly, claim 112 is patentable over Alexander.

Enclosed is a \$700.00 check for excess claim fees. Please apply any other charges or credits to deposit account 06-1050.


Respectfully submitted,

Date: 3/1/2005

  
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Scott B. Markow  
Reg. No. 46,899

Fish & Richardson P.C.  
1425 K Street, N.W.  
11th Floor  
Washington, DC 20005-3500  
Telephone: (202) 783-5070  
Facsimile: (202) 783-2331

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Application No. 09/365,735	Filing Date August 3, 1999	Attorney/Secretary Init WKR/STM/lbc	
Title of the Invention <b>VARYING ELECTRONIC CONTENT BASED ON LOCAL CONTEXT</b>			
Applicant Robert M. COOPER, et al.			
Enclosures  ** Amendment in Reply to Action of December 1, 2004 (12 pages) ** Check in the amount of \$700.00 for additional claims  ■			

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Boston, Massachusetts  
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